

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition for Early  
Termination of Probation Against:

Kevin George Jamil, M.D.

Physician's & Surgeon's  
Certificate No. A 113074

Petitioner.

Case No.: 800-2022-087304

OAH No: 2023050226

**ORDER OF NON-ADOPTION  
OF PROPOSED DECISION**

The Proposed Decision of the Administrative Law Judge in the above-entitled matter has been **non-adopted**. A panel of the Medical Board of California (Board) will decide the case upon the record, including the transcript and exhibits of the hearing, and upon such written argument as the parties may wish to submit directed at whether the level of discipline ordered is sufficient to protect the public. The parties will be notified of the date for submission of such argument when the transcript of the above-mentioned hearing becomes available.

To order a copy of the transcript, please contact Office of Administrative Hearings, 1515 Clay Street, Suite 206, Oakland, CA 94612. The telephone number is (510) 622-2722.

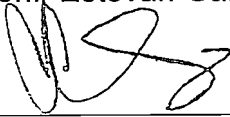
To order a copy of the exhibits, please submit a written request to this Board.

**In addition, oral argument will only be scheduled if a party files a request for oral argument with the Board within 20 days from the date of this notice.** If a timely request is filed, the Board will serve all parties with written notice of the time, date and place for oral argument. Oral argument shall be directed only to the question of whether the proposed penalty should be modified. Please do not attach to your written argument any documents that are not part of the record as they cannot be considered by the Panel. The Board directs the parties' attention to Title 16 of the California Code of Regulations, sections 1364.30 and 1364.32 for additional requirements regarding the submission of oral and written argument.

Please remember to serve the opposing party with a copy of your written argument and any other papers you might file with the Board. The mailing address of the Board is as follows:

MEDICAL BOARD OF CALIFORNIA  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815-3831  
(916)-263-8906  
Attention: Estevan Garcia

Date: September 06, 2023

A handwritten signature in black ink, appearing to read 'LRL', is written over a horizontal line.

Laurie Rose Lubiano, J.D., Chair  
Panel A

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Petition for Early Termination of  
Probation of:**

**KEVIN GEORGE JAMIL, M.D.,**

**Physician's and Surgeon's Certificate No. A 113074**

**Petitioner.**

**Agency Case No. 800-2022-087304**

**OAH No. 2023050226**

**PROPOSED DECISION**

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, heard this matter on August 7, 2023, by videoconference.

Attorney John Bishop represented petitioner Kevin George Jamil, M.D., who was present.

Deputy Attorney General Kendra Rivas appeared for the Office of the Attorney General, Department of Justice.

The record closed and the matter was submitted for decision on August 7, 2023.

## **FACTUAL FINDINGS**

### **License History and Background to Filing of Petition**

1. The Medical Board of California (Board) issued Physician's and Surgeon's Certificate Number A 113074 to petitioner Kevin George Jamil, M.D., on July 1, 2010. The certificate is renewed and current with an expiration date of June 30, 2024.

2. On October 31, 2018, the Board's Executive Director filed an accusation alleging that petitioner's certificate was subject to discipline based on out-of-state discipline imposed by the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Board of Medicine Disciplinary Subcommittee (Michigan Board).

The underlying facts were that on March 7, 2018, petitioner was treated for overdosing on Vicodin tablets that had not been prescribed to him. Paramedics administered Narcan, but petitioner refused to go to the hospital. Seven and one-half hours later, paramedics again were summoned and administered Narcan to petitioner; they then transported him to a hospital. Petitioner was admitted to a hospital intensive care unit from March 8 through 13, 2018.

The Michigan Board issued a summary suspension order and administrative complaint on May 1, 2018. Petitioner was evaluated by the Michigan Health Professional Recovery Program (HPRP), which found he did not pose an emergency threat to the public health, safety, and welfare. The summary suspension order was dissolved on May 24, 2018. On July 18, 2018, the Michigan Board issued a consent order placing petitioner on probation for a period of two years. He was required to

comply with an HPRP monitoring agreement and to have his employer submit reports regarding his performance.

3. Petitioner signed a stipulated settlement to resolve the Board's accusation, which was adopted in a Decision and Order effective September 20, 2019. Petitioner's certificate was revoked, the revocation was stayed, and he was placed on probation for a period of five years on terms and conditions including standard conditions, substance-abuse conditions, and a psychiatric evaluation.

4. On December 4, 2021, petitioner signed a petition seeking early termination of his probation. This hearing followed.

### **Petitioner's Evidence**

5. Petitioner completed his undergraduate education and medical school in Michigan, graduating from medical school in 2008. Petitioner moved to California for postgraduate training and completed a five-year general surgery residency in 2013, serving as chief resident during his final year. He received his California medical license during that residency. Petitioner then completed a two-year cardiothoracic surgery residency in 2015 in Pennsylvania. Petitioner had a six-month advanced fellowship in minimally invasive esophageal surgery in Pennsylvania, followed by another six-month advanced fellowship in robotic thoracic surgery in New York, concluding in June 2016. He received medical licenses in Pennsylvania and New York during his fellowships.

6. Petitioner is board-certified in general surgery and thoracic surgery.

7. Petitioner has worked as a thoracic surgeon at Corewell Health East (formerly known as Beaumont Health) in southeast Michigan since September 2016. He works at multiple hospital locations for this health system.

8. Petitioner described the incident that led to his license discipline. On March 7, 2018, petitioner was recovering from a hair transplant surgery and in an effort to alleviate severe scalp pain, he self-medicated by taking old Vicodin tablets that had been prescribed to his father (three doses of 750 mg). He had been reluctant to obtain his own prescription due to embarrassment over the nature of the surgery. This resulted in an overdose and the administration of Narcan. After petitioner had problems breathing, the paramedics returned, administered more Narcan, and transported him to the hospital for treatment. Petitioner denies having taken additional Vicodin tablets between the two paramedic responses.

9. Upon his discharge from the hospital, petitioner notified his employer and referred himself to the HPRP. The evaluator diagnosed mild substance use disorder, and deemed petitioner safe to return to practice. Petitioner returned to work at Beaumont Health without restrictions on his clinical or surgical privileges.

10. Petitioner completed a three and one-half year monitoring agreement with HPRP, including random bodily fluid drug testing and quarterly hair testing; quarterly meetings with an addictionologist; attending psychotherapy two to three times monthly; and attending 12 Alcoholics Anonymous (AA) meetings per month and monthly sponsorship meetings.

11. Petitioner is remorseful about and embarrassed by his poor decisions resulting in the overdose. He learned about the detrimental effects of substance abuse during the HPRP. Petitioner credibly testified that this was an isolated incident and that he has no cravings for Vicodin or other substances. Petitioner described his license discipline and probation as a humbling experience.

12. Petitioner complied with the requirements of his HPRP monitoring program and Michigan Board probation. From September 2019 to September 2020, petitioner was concurrently on probation (with drug testing conditions) with both the Michigan Board and California Board. He had no positive drug tests or other violations.

13. Petitioner successfully completed his two-year Michigan Board probation on September 10, 2020, and his Michigan license has been unrestricted since that time. Petitioner completed his HPRP monitoring agreement on November 25, 2021.

14. Petitioner's Pennsylvania medical license is expired; no discipline has been imposed.

15. The New York State Board for Professional Medical Conduct issued a consent order placing petitioner on probation for 60 months, effective March 16, 2020; and subsequently accepted the surrender of his license effective November 3, 2020.

16. As of the date of hearing, petitioner had completed nearly four years of his five-year Board probation period. Petitioner has complied with all of his probation conditions, except that he has not practiced medicine in California and his period of non-practice has exceeded two years.

17. Petitioner is current on his continuing medical education requirements and regularly reads medical journals in his field of practice.

18. There have been no patient complaints or issues with petitioner's clinical practice. He is well-respected by his supervisors and peers, as described in Factual Findings 20 through 23.

19. In addition to his clinical practice at Corewell Health East, petitioner serves on the Thoracic Tumor Board at two hospital locations. Petitioner is the Leader

of the Thoracic Tumor Board at the Farmington Hills Hospital and the Associate Leader at the Dearborn Hospital. In this role, petitioner leads a weekly multidisciplinary discussion of challenging patient cases in the field of thoracic oncology.

20. Thomas Jack Watson, M.D., testified at hearing. Dr. Watson is the System Chief of Thoracic Surgery at Corewell Health East, and is petitioner's supervisor. He described petitioner as an outstanding surgeon, among the best he has ever worked with, who achieves excellent patient outcomes and has both good judgment and technical skill. Dr. Watson also noted that petitioner is very good at using cutting-edge robotic surgery technology, which increases his value to their thoracic surgery group. Dr. Watson also praised petitioner's interactions with patients, physicians, and staff, describing him as universally well-liked. Dr. Watson is aware of petitioner's license discipline and the underlying conduct. He has seen no evidence of petitioner being impaired or intoxicated. Dr. Watson supports termination of petitioner's probation.

21. Robert J. Welsh, M.D., wrote a letter dated March 14, 2022. Dr. Welsh was the previous Chief of Thoracic Surgery at Beaumont Medical Group, and was petitioner's supervisor beginning in September 2016. Dr. Welsh was aware of petitioner's license discipline, and served as petitioner's practice monitor for his probation with the Michigan Board and California Board. Dr. Welsh described petitioner as displaying excellent surgical skill with good clinical outcomes, and excellent clinical judgment. He has no concerns regarding petitioner's clinical competency. Dr. Welsh has seen petitioner's growth and increased maturity, and stated petitioner has used the experience of his license discipline as an opportunity to grow and learn.

22. John Hilu, M.D., wrote a letter dated February 24, 2022. Dr. Hilu is the Chief of Surgery at Beaumont Hospital in Dearborn, and has worked with petitioner



since 2016. He co-leads the Thoracic Tumor Board at Dearborn with petitioner. Dr. Hilu is aware of petitioner's license discipline and found that petitioner took responsibility and worked hard to rebuild his character and his practice. Dr. Hilu described petitioner as a skilled surgeon, clinically competent, compassionate, and dependable. Petitioner is known among the operating room staff as being kind, courteous, and professional. He is also heavily involved in mentoring young surgeons in their residency program.

23. Paolo Marciano, M.D., Ph.D., wrote a letter dated August 2, 2023. Dr. Marciano is the Chief Medical Officer for Corewell Health East, and has known petitioner since 2016. Dr. Marciano described petitioner as a talented surgeon and excellent clinician who maintains good relationships with staff and colleagues. There have been no complaints against petitioner since the event underlying his discipline. Dr. Marciano concluded: "[Petitioner] has been a dependable asset to our health system and I have no reservations in offering this letter of support."

24. Petitioner has been married for a year, and takes his family responsibilities seriously. His income is 90 percent of the household income.

25. Petitioner is happy in his medical practice in Michigan, and intends to remain there. Petitioner does not intend to return to California to practice medicine. He thus cannot comply with the Board's probation requirement to practice in California. Petitioner seeks early termination of his probation because he does not wish to be found in violation of probation, and he does not wish to surrender his California certificate, which is considered a disciplinary action, and might adversely affect his board certifications or his employment.

## **LEGAL CONCLUSIONS**

### **Burden and Standard of Proof**

1. In a proceeding for penalty relief it is petitioner's burden to demonstrate, by clear and convincing evidence, that he is rehabilitated and entitled to the penalty relief requested. (See *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

### **Statutory and Regulatory Authority**

2. A licensee whose certificate has been placed on probation for three years or more may petition for early termination of probation after two years. (Bus. & Prof. Code, § 2307, subd. (b)(2).) Petitioner's certificate was placed on probation effective September 20, 2019, and his petition was signed on December 4, 2021. (Factual Findings 3 & 4.) Petitioner is eligible to apply for early termination of probation.

3. In determining whether to grant a petition for early termination of probation, all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability may be considered. (Bus. & Prof. Code, § 2307, subd. (e).) These factors have been considered.

### **Analysis**

4. Petitioner has served a substantial amount of his probation and has complied with all probation conditions, apart from practicing in California. Petitioner has completed three and one-half years of monitoring by the Michigan HPRP,

including random drug testing, therapy, and meetings with an addiction medicine specialist. Petitioner has learned from his probation and turned it into a growth experience. Petitioner has practiced medicine successfully in Michigan for more than five years since the incident underlying the imposition of probation, and his license in that state has been unrestricted since September 2020, without any complaints or concerns from patients or colleagues.

Petitioner has established that further monitoring by the Board is not required to protect the public. Cause exists, pursuant to Business and Professions Code section 2307, to grant the petition and to terminate petitioner's probation.

### **ORDER**

The petition for early termination of probation of petitioner Kevin George Jamil, M.D., is granted. Physician's and Surgeon's Certificate Number A 113074 is fully restored.

DATE: 08/22/2023



HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings